

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

STEVEN MICHAEL KNIGHT

PLAINTIFF

v.

CIVIL ACTION NO. 2:22-cv-132-TBM-RPM

SHERIFF MITCH NOBELS, *et al.*

DEFENDANTS

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on the submission of the Report and Recommendation [107] entered by United States Magistrate Judge Robert P. Myers on February 3, 2025. Judge Myers recommends that the Motion for Summary Judgment [91] filed by Defendants Sheriff Mitch Nobels, Danny Merritt, Allen Crocker, and Jerry Elliot be granted in part and denied in part. Specifically, Judge Myers recommends that (1) the Plaintiff's official-capacity claims against all Defendants, his excessive force claims against all Defendants, his failure-to-protect claim against Allen Crocker, and his medical care claims against all Defendants should be dismissed with prejudice; (2) the Plaintiff's claims against Jerry Gardner should be dismissed with prejudice; and that (3) the Plaintiff's failure-to-protect claims against Sheriff Mitch Nobles, Danny Merritt, and Jerry Elliott in their individual capacities should be allowed to proceed, along with any claims against Adam Lawrence Worbington. Neither the Plaintiff nor the Defendants have filed an objection to the Report and Recommendation, and the time for filing an objection has expired.¹

"When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." FED. R. CIV. P. 72(b) advisory committee's note to 1983 addition (citations omitted); *see Casas v. Aduddell*, 404 F. App'x

¹ A copy of the Report and Recommendation [107] was mailed to the Plaintiff at the address listed on the docket on February 3, 2025.

879, 881 (5th Cir. 2010) (“When a party fails timely to file written objections to the magistrate judge’s proposed findings, conclusions, and recommendation, that party is barred from attacking on appeal the unobjected-to proposed findings and conclusions which the district court accepted, except for plain error”) (citing *Douglass v. United Serv. Auto Ass’n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc); 28 U.S.C. § 636(b)(1)). Having considered Judge Myers’ Report and Recommendation, the Court finds that it is neither clearly erroneous nor contrary to law.

IT IS THEREFORE ORDERED AND ADJUDGED that the Report and Recommendation [107] entered by United States Magistrate Judge Robert P. Myers on February 3, 2025, is ADOPTED as the opinion of the Court.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion for Summary Judgment [91] is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff’s official-capacity claims against all Defendants, his excessive force claims against all Defendants, his failure-to-protect claim against Allen Crocker,² and his medical care claims against all Defendants are DISMISSED WITH PREJUDICE.

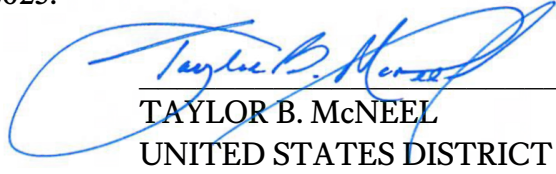
IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff’s claims against Jerry Gardner are DISMISSED WITH PREJUDICE.³

² Having dismissed the Plaintiff’s claims against Allen Crocker, he will be terminated as a Defendant on the Court’s docket.

³ Having dismissed the Plaintiff’s claims against Jerry Gardner, he will be terminated as a Defendant on the Court’s docket.

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff's failure-to-protect claims against Sheriff Mitch Nobles, Danny Merritt, and Jerry Elliott in their individual capacities will proceed, along with any claims against Adam Lawrence Worbington.

THIS, the 26th day of February, 2025.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE